

REMARKS

Applicant appreciates the examiner's thorough examination of the application and consideration of the prior art. Applicant respectfully requests that re-examination and reconsideration be made in view of the preceding amendment and the following remarks.

Applicant has revised a single word in page 9 of the specification in order to correct the term "socket" to - - channel - -. This was an inadvertent clerical error which is obvious from the context of the description.

The present invention relates to a bracket for use in a sawhorse, roadside barricade or other multiple piece stand. Unlike the prior art, applicant's bracket features a rigidly fixed and preferably one piece, unitary construction. A substantially rigid channel receives an elongate beam, and a pair of diverging legs are fixedly and rigidly joined to the channel and extend from the channel at a fixed angle. This construction enables the bracket to stably and securely support very large weight in a manner much improved over any of the brackets of the prior art. Not only does the bracket evenly and effectively distribute the weight of a load, it eliminates moving parts and is much easier and less expensive to manufacture than conventional collapsible sawhorse brackets.

The examiner has rejected claims 1 - 9 under 35 U.S.C. § 102 as being anticipated by Chesney. That reference discloses a sawhorse bracket employing a pair of legs that are hingedly interconnected. This is just the type of bracket that is addressed and improved upon by applicant's device. In Chesney, the upper ends of the legs employ integral notched recesses that receive a two-by-four or other elongate

beam. Additionally, each of the Chesney legs receives a respective leg, 12, 13, of the sawhorse.

In contrast to Chesney, applicant's new claim 10 sets forth a bracket for use in a multiple piece stand, which stand includes a plurality of elongate legs and an elongate beam supported on a substantially horizontal surface by the legs. The bracket includes a substantially rigid channel for receiving the beam. The channel includes a base and a pair of side walls attached to and extending upwardly from the base. A pair of leg accommodating receptacles are fixedly and rigidly interconnected to one another through the channel. There is a first receptacle fixedly joined to the channel and having a first recess interengaging the base and one side of the channel. A second receptacle likewise is fixedly joined to the channel and has a second recess interengaging the base and a second one of the side walls of the channel. The receptacles are juxtaposed along and extend divergently from the channel at a fixed angle. Each receptacle is capable of receiving a respective leg, which legs are engagable with the substantially horizontally surface to support the beam above the substantially horizontally surface. New claim 24 recites a system employing a pair of such brackets.

Under 35 U.S.C. Section 102, anticipation requires that each and every element of the claimed invention be disclosed in a prior art reference. Akzo N.V. v. U.S. International Trade Commission, 1 USPQ 2nd 1241 (Fed. Cir. 1986). Absence from a cited reference of any element of the claim negates anticipation of that claim by the reference. Kloster Speedsteel AB v. Crucible Inc., 230 USPQ 81 (Fed. Cir. 1986).

Chesney clearly does not disclose each and every element of applicant's claimed invention. The cited reference lacks a substantially rigid channel. Indeed, Chesney

does not include a separate and distinct channel of any kind. Rather, the cited reference employs a pair of pivoting notches at the upper ends of the leg receptacles, which form a variable shaped channel that accommodates the two-by-four when the legs are open. The purported channel of Chesney is certainly not rigid or fixedly shaped. Instead, the shape of the channel is adjusted any time the leg receptacles are pivoted with respect to one another.

Also unlike applicant, the Chesney receptacles are not fixedly and rigidly interconnected to one another through the channel. Significantly, the receptacles of the cited reference are pivotably interconnected through pivot pins 38. As a result, Chesney's legs are able to collapse with respect to one another and do not diverge from the channel at a fixed angle in the manner of applicant's claimed invention. In addition, applicant's claimed recesses interengage the base and respective sides of the channel. The only recesses disclosed in Chesney engage the beam directly and do not interengage a separately disclosed channel.

Applicant's dependent claims set forth still additional elements that are not shown in Chesney. For example, in claim 11 applicant provides an elongate, one piece base that is substantially rigid and planar. Claim 12 further provides that the side walls are elongate, substantially rigid and substantially planar. In claim 21 applicant recites that the channel extends longitudinally beyond the diverging legs. In claim 18, applicant sets forth that the channel and tubular components of the receptacles include respective longitudinal axes that are orientated at obtuse angles relative to one another. This feature is shown in FIG. 1 of the application (see obtuse angle 59). Claim 22 provides that the channel features a fixedly and generally U-shaped cross sectional

configuration. Claim 26 requires that the channel comprises a one piece, fixedly shaped construction. Claim 28 provides that the channel is structurally distinct from the receptacles and recesses. Claims 13 and 25 require that the base and side walls have substantially flat and smooth interior surfaces for receiving and conformably interengaging the beam.

Chesney does not disclose any of the foregoing features. The cited reference includes a pivoting, variable shaped channel formed by integral notches in the upper ends of the leg receptacles. The purported channel is neither fixedly shaped nor structurally distinct from the receptacles and recesses. Rather the channel and recesses in Chesney are one and the same. Likewise the reference does not include a channel with flat, smooth interior surfaces. Instead, Chesney employs teeth 45, 46 that bite into the beam when the legs are opened.

Because Chesney lacks a significant number of features and limitations set forth in applicant's claims as amended, the cited reference clearly does not anticipate applicant's device. Accordingly, a basis for patentability is established.

Not only does Chesney lack significant features of applicant's invention, it does not disclose or suggest the advantages achieved by applicant's unique limitations. Indeed, applicant's device specifically overcomes a number of problems exhibited by brackets of the type shown in Chesney. As stated in the Background of the Invention, although collapsibility is sometimes a desirable feature in a sawhorse, hinged brackets usually provide the sawhorse with less than optimal stability. Due to the hinged interconnections, these devices are usually not able to withstand extremely heavy loads, which are often encountered in the construction industry.

Applicant provides a new and durable sawhorse bracket that preferably features a substantially rigid and fixedly shaped construction. By employing a substantially rigid (and preferably elongate, one piece) channel and fixedly interconnecting the diverging legs through the channel, applicant is able to effectively and securely support heavy loads in a much more stable fashion. The leg accommodating receptacles interengage separate and distinct channels such that each channel is supported for virtually the entire height of each side wall and across virtually the entire width of the base of the channel. As stated on page 9 of the application, this permits the weight of the load on the sawhorse to be distributed evenly through the channel to the receptacles and the attached legs. Improved stability and strength are thereby achieved. The brackets are far stronger and more supportive than most known sawhorse assembly techniques.

As further set forth on pages 9 – 10 of the present application, "... the rigidly fixed interconnection between the receptacles and the channels provide significant advantages. Because the receptacles are not hingedly connected to the channel, weak points and product failure are avoided. The assembled sawhorse is able to support much larger weights in a much more stable fashion than is possible using known sawhorse brackets. Because the longitudinal axes of the tubular receptacles form obtuse angles with the beam accommodating channel, an even stronger stable support is provided."

The foregoing features and benefits are clearly not disclosed by Chesney or any of the other cited references. Indeed, applicant's invention provides solutions to the problems exhibited by the prior art. In view of applicant's unique structure and the

resulting advantages achieved thereby, the claims as amended should be deemed patentable.

Each of the examiner's objections and rejections has been addressed and overcome. Accordingly, applicant submits that the application is in condition for allowance. Early and favorable action is respectfully requested.

Applicant acknowledges the prior art cited but not relied upon by the examiner. Applicant also acknowledges the Notice of Draftsperson's Patent Drawing Review. Formal drawings will be filed when a Notice of Allowance is received.

If a telephone conference with applicant's attorney would help to advance the prosecution of this application, the examiner is invited to telephone the undersigned at (941) 481-0900.

Date: 6-28-02

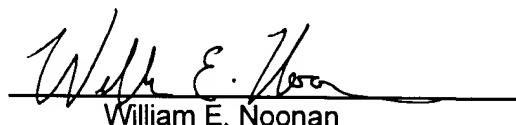
Respectfully Submitted,



William E. Noonan
Registration No. 30,668
P. O. Box 07338
Fort Myers, FL 33919

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner of Patents and Trademarks, Washington, DC 20231 on this 28th day of June, 2002.



William E. Noonan

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Version With Markings To Show Changes Made To Specification:

Additionally, the rigidly fixed interconnection between the receptacles and the channel provides significant advantages. Because the receptacles are not hingedly connected to the [socket] channel, weak points and product failure are avoided. The assembled sawhorse is able to support much larger weights in a much more stable fashion than is possible using known sawhorse brackets. Because the longitudinal axes of the tubular receptacles form obtuse angles with the beam accommodating channel, an even stronger stable support is provided.